

ESTTA Tracking number: **ESTTA614257**

Filing date: **07/08/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91216711
Party	Defendant Halcyon MD SRL
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Date	07/08/2014
Attachments	Answer.pdf(108360 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re the Matter of App. Ser. No. 86/153,278
Mark: DOLLARBIRD
Filed: December 27, 2013
Published in the *Official Gazette* on May 6, 2014

MONEYBIRD HOLDING B.V.,

Opposer,

v.

HALCYON MD SRL,

Applicant.

Opposition No. 91216711

ANSWER

HALCYON MD SRL (“Applicant”), a Romanian Societate cu Raspondere Limitata (SRL), with a principal place of business at 36/10 M Viteazu Street, Sighisoara 545400, Mures County, Romania, respectfully submits its Answer to the Notice of Opposition (“Notice”) filed by Moneybird Holding BV (“Opposer”) in the above-referenced matter.

Applicant responds to the Notice as follows:

Applicant denies any allegations not expressly admitted.

In response to the Notice’s opening un-numbered paragraphs, Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant’s mark DOLLARBIRD as used in the US in connection with goods in International Class 009. However, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation that Opposer is a company having its principal place of business at Brouwerijstraat 26, 7523 XD Enschede, Overijssel, Netherlands, and on that basis denies such allegation. Applicant denies that Opposer will be damaged by registration of Applicant’s DOLLARBIRD mark such that the instant Notice is necessary.

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of

the allegations contained in Paragraph 1 and on that basis denies the allegations therein.

2. Applicant admits the allegations contained in Paragraph 2.

3. Applicant admits that it has used and is using the DOLLARBIRD mark in commerce in the US since at least as early as July 17, 2013. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant admits that US trademark application serial no. 86/153,278 was filed on December 27, 2013. Applicant admits that US trademark application serial no. 86/153,278 includes the following listing of goods: "Computer application software for mobile phones and tablets, namely, software for inputting, creating, providing, and accessing information in the field of personal finance, namely, calendar-based personal expense, personal income and personal budget information." Applicant denies the remaining allegations of Paragraph 3.

4. Applicant admits that US trademark application serial no. 85/879,880 is an application to register the term MONEYBIRD for International Classes 009, 035, 036, 042, and 045. Applicant admits that US trademark application serial no. 85/879,880 was filed on March 19, 2013. Applicant admits that for International Class 009, US trademark application serial no. 85/879,880 includes the following listing of goods: "Computer software for invoicing, invoice payment, accounting services, bookkeeping of incoming invoices and financial management; computer application software for mobile telephones, handheld computers, portable computers, desktop computers and any internet-enabled devices or computers, namely, software for invoicing, invoice payment, accounting services, bookkeeping of incoming invoices, accounting database management and financial management; computer software for use in invoicing; computer software for use in accounting; computer software for use in generating reports." Applicant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 4 and on that basis denies the remaining allegations therein.

5. Applicant admits that European Community registration 011213352 for the term MONEYBIRD issued on April 1, 2013. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 5 and on that basis denies the remaining allegations therein.

6. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 and on that basis denies the allegations therein.

7. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant admits that US trademark application serial no. 86/153,278 was filed on December 27, 2013. Applicant admits that communications between Applicant and Opposer occurred prior to December 27, 2013. Applicant admits that Opposer's conduct prior to December 27, 2013, and prior to the filing of the Notice, is such that one may reasonably conclude from such conduct that no dispute existed between the parties, and that Opposer filed the Notice for improper purposes. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 and on that basis denies the allegations therein.

8. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations contained in Paragraph 8.

9. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations contained in Paragraph 9.

10. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations contained in Paragraph 10.

11. Applicant admits that US trademark application serial no. 86/153,278 is an

application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations contained in Paragraph 11.

12. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations contained in Paragraph 12.

13. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations contained in Paragraph 13.

14. Applicant admits that it has used and is using the DOLLARBIRD mark in commerce in the US. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant admits that US trademark application serial no. 86/153,278 includes the following listing of goods: "Computer application software for mobile phones and tablets, namely, software for inputting, creating, providing, and accessing information in the field of personal finance, namely, calendar-based personal expense, personal income and personal budget information." Applicant denies the remaining allegations of Paragraph 14.

15. Applicant admits that it has used and is using the DOLLARBIRD mark in commerce in the US. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations of Paragraph 15.

16. Applicant admits that it has used and is using the DOLLARBIRD mark in commerce in the US. Applicant admits that US trademark application serial no. 86/153,278 is an application to register Applicant's mark DOLLARBIRD as used in the US in connection with goods in International Class 009. Applicant denies the remaining allegations of Paragraph 16.

FIRST AFFIRMATIVE DEFENSE

Opposer's Notice fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer lacks standing to assert the claims in its Notice.

THIRD AFFIRMATIVE DEFENSE

Opposer filed the Notice for improper purposes.

FOURTH AFFIRMATIVE DEFENSE

Applicant reserves the right to amend its Answer to add additional or other affirmative defenses as may become necessary after a reasonable opportunity for appropriate discovery.

WHEREFORE, Applicant requests that the Board dismiss Opposer's Notice of Opposition.

Date: July 8, 2014

Respectfully submitted,

URADNIK LAW FIRM PC

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HALCYON MD SRL

CERTIFICATE OF TRANSMITTAL

I certify that a true copy of the foregoing ANSWER is being filed electronically with the TTAB via ESTTA on July 8, 2014.

/Joseph A. Uradnik/

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Opposition No. 91216711

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Applicant's **ANSWER** along with copies of the Exhibits (if any), has been filed with the US Patent and Trademark Office Trademark Trial and Appeal Board, and that true and correct copies thereof have been served by mailing such copies first class, postage prepaid to:

Cecilia R. Dickson
Richard L. Byrne
The Webb Law Firm
One Gateway Center
420 Ft. Duquesne Blvd., Suite 1200
Pittsburgh, PA 15222

and as a courtesy, by emailing such copies to:

Cecilia R. Dickson (cdickson@webblaw.com)
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on July 8, 2014.

/Joseph A. Uradnik/

Joseph A. Uradnik
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